

united STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

leroy williams el bey

PLAINTIFF

VERSUS

CHILD PROTECTIVE SERVICES et al

DEFENDANTS

No. cv:13-812-MJP

MOTION FOR RECONSIDERATION
STATEMENT OF THE CLAIM
RIGHTS OF INDIGENOUS PEOPLE
E/CN.4SUB.2/1996/21
UNITED NATIONS

CLERK'S ACTION REQUIRED

STATEMENT OF THE CLAIM

Plaintiff claims that his children where beaten by the Seattle Police, the evidence is in the States files. The plaintiff and plaintiff children never gave statements that that they where disciplined for leaving home. The plaintiff was never given miranda rights. The plaintiff never talked with any of the Officers who stated they talked to me. The plaintiff was taken to police station and put in cell and waited to be transported to county jail. I am sure this can be observed on surveillance cameras on 6-15-2007. Video should also show a female police officer yelling, you beat the shit out of that boy and i hope they beat your ass when you get to the county jail. I and the other inmate looked at each other wondering who was she talking to. When i picked up my children from day care they did not have any bruises on them. My children and daycare giver was my only witnesses who never had a chance to testify. This case was done in absentia, because this was the only way the State could have got a conviction. This is Police Brutality and violation of the u.S. constitution, human rights, see Marbury v Madison, 5 u.S. (1Cranch) 137. 2. L. Ed. 60. Plaintiff had a loss of work, business, vehicle and tools. Plaintiff was unlawfully incarcerated, without due process and compensation. This claim of constitutional and human right issues, also in accordance with amendment 1 and article 6 of the u.S. constitution.

United Nations Declaration on the Rights of Indigenous Peoples A/61/L.67:

The plaintiff and the plaintiffs children human rights has been violated under Articles 1, 4, 5, and 6. Article 7 section 1 and 2. Article 8 section section 1 and 2(a)(d). Article 11 section 2. Article 12 section 1. Article 13 section 2. Article 14 section 1. Article 17 section 2. Article 20 section 2. Article 21 section 1. Article 22 section 2. Article 24 section 1. Article 31 section 1 and 2. Article 37 section [1] and [2]. Article 38, 39, 40, 41, 42, 43 and 44. Article 46 section 1.

U.N. INDIGENOUS PEOPLES PROJECT #215/93

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights³ and international human rights law.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective: right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (d) Any form of forced assimilation or integration;

Article II

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 13

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

Article 17

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

Article 20

2. "Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress."

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

Article 22

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 37

1. "INDIGENOUS PEOPLES HAVE THE RIGHT TO THE RECOGNITION, OBSERVANCE AND ENFORCEMENT OF TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS CONCLUDED WITH STATES OR THEIR SUCCESSORS AND TO HAVE STATES HONOUR AND RESPECT SUCH TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS."

2. NOTHING IN THIS DECLARATION MAY BE INTERPRETED AS DIMINISHING OR ELIMINATING THE RIGHTS OF THE INDIGENOUS PEOPLES CONTAINED IN TREATIES, AGREEMENTS AND OTHER CONSTRUCTIVE ARRANGEMENTS.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

1. Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

RELIEF: RETURN OF CHILDREN AND RESTITUTION